

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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THE BEACHWAVER CO.,

Plaintiff(s)

17 civ 5677 (JGK)

-against-

ORDER OF DISCONTINUANCE

XTAVA, LLC,

Defendant(s).  
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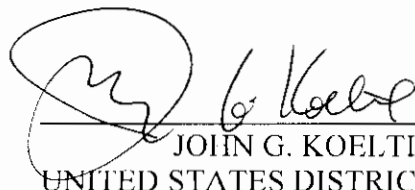
It having been reported to this Court that the parties have settled this action, It is, on this 27<sup>th</sup> day of **February**, 2018, hereby ordered that this matter be discontinued with prejudice but without costs; provided, however, that within **30** days of the date of this order, counsel for the plaintiff may apply by letter for restoration of the action to the calendar of the undersigned, in which event the action will be restored.

**Any application to reopen must be filed within thirty (30) days of this order; any application to reopen filed thereafter may be denied solely on that basis.** Further, if the parties wish for the Court to retain jurisdiction for the purpose of enforcing any settlement agreement, they **must** submit the settlement agreement to the Court within the same thirty-day period to be "so ordered" by the Court. Unless the Court orders otherwise, the Court will not retain jurisdiction to enforce a settlement agreement unless it is made part of the public record.

All pending motions are dismissed as moot. All conferences are canceled. The Clerk of Court is directed to close this case.

SO ORDERED.

Dated: New York, New York  
February 27, 2018

  
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JOHN G. KOELTL  
UNITED STATES DISTRICT JUDGE